



General Assembly

February Session, 2016

Raised Bill No. 102

LCO No. 1177



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING WORKERS' COMPENSATION AWARDS AND ATTORNEY FEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-299a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 (a) Where an employer contests the compensability of an employee's
4 claim for compensation, proof of payment made under a group health,
5 medical or hospitalization plan or policy shall not be a defense to a
6 claim for compensation under this chapter.

7 (b) Where an employer contests the compensability of an
8 employee's claim for compensation, and the employee has also filed a
9 claim for benefits or services under the employer's group health,
10 medical, disability or hospitalization plan or policy, the employer's
11 health insurer may not delay or deny payment of benefits due to the
12 employee under the terms of the plan or policy by claiming that
13 treatment for the employee's injury or disease is the responsibility of
14 the employer's workers' compensation insurer. The health insurer may

15 file a claim in its own right against the employer for the value of
 16 benefits paid by the insurer within two years from payment of the
 17 benefits. The health insurer shall not have a lien on the proceeds of any
 18 award or approval of any compromise made by the commissioner
 19 pursuant to the employee's compensation claim, in accordance with
 20 the provisions of section 38a-470, unless the health insurer actually
 21 paid benefits to or on behalf of the employee.

22 (c) Where an employer contests the compensability of an employee's
 23 claim for compensation, and the employee has also filed a claim for
 24 benefits or services under the employer's group health, medical,
 25 disability or hospitalization plan or policy, and the claim for
 26 compensation is ultimately resolved in favor of the claimant, twenty
 27 per cent of any amount recovered by the health insurer as a result of
 28 any claim that the health insurer may file in its own right against the
 29 employer for the value of benefits paid by the insurer pursuant to
 30 subsection (b) of this section shall be transferred to the claimant and no
 31 attorney's fees shall be payable from such transferred amount.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2016	31-299a

Statement of Purpose:

To require a health insurer who files suit against an employer that contested an employee's claim for workers' compensation to transfer twenty per cent of any amount recovered to the claimant.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]